

et al. (U.S. Patent 6,597,686) in view of Gaus (U.S. Patent 6,778,652), and further in view of Kurapati (U.S. Patent 6,888,937), while claims 14, 39 and 69 were rejected over these three references and further in view of Hetz (U.S. Patent 6,185,289). Applicants respectfully traverse these rejections.

Applicants submit herewith a Declaration under 37 C.F.R. 1.131 proving that the invention recited in the claims of the present patent application was reduced to practice prior to September 6, 2000. Kurapati was filed September 6, 2001, claiming the benefit of a provisional application filed September 6, 2000. A software source code which is submitted as Exhibit A to the Declaration was created and tested by Applicants prior to September 6, 2000, and implements all the elements of method claims 1 and 4-9, as well as of the corresponding apparatus and software product claims. With respect to claims 10-16 (and the corresponding apparatus and software product claims), it is believed that Applicants' implementation of the invention would have enabled a person of ordinary skill in the art to practice these claims prior to September 6, 2000, and thus provides a sufficient basis to overcome Kurapati, even though some elements of these claims are not implemented in the code. In this regard, Applicants

Appln. No. 10/053,872
Amdt. dated April 28, 2006
Reply to Office Action of October 28, 2006


call the Examiner's attention to MPEP 715.02(I), second paragraph.

Thus, on the basis of Applicants' Declaration, Kurapati is not applicable as prior art against the present patent application, and the rejections under 35 U.S.C. 103(a) should be withdrawn.

Applicants believe the remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these remarks, Applicants respectfully submit that all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

Respectfully submitted,

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